

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-13886
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MARCH 28, 2007 THOMAS K. KAHN CLERK

D. C. Docket No. 05-80214-CR-DTKH

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HUMBERTO DE LA SOTA-RIVERA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(March 28, 2007)

Before BIRCH, HULL and PRYOR, Circuit Judges.

PER CURIAM:

Humberto De La Sota-Rivera appeals his 48-month sentence for illegal

reentry into the United States after deportation. 8 U.S.C. § 1326(a) & (b)(2). Sota-Rivera argues that the enhancement of his sentence based on his previous criminal conviction violated his rights under the Fifth and Sixth Amendments because the predicate offense was neither charged in the indictment nor found by a jury.

Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct. 2348 (2000). We affirm.

Under current Supreme Court precedent, previous convictions can enhance a defendant's sentence without being alleged in the indictment or proved beyond a reasonable doubt. Almendarez-Torres v. United States, 523 U.S. at 244-46, 118 S.Ct. at 1231-32. That precedent remains good law. United States v. Camacho-Ibarquen, 410 F.3d 1307, 1315–16 (11th Cir.), cert. denied, 126 S.Ct. 457 (2005).

Sota-Rivera's sentence is

AFFIRMED.